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## FACSIMILE TRANSMISSION

**Total # of Pages (including this page): 14**

TO:	PHONE #:	FAX #:
Attn: Ms. Charitta A. Burt Mail Stop PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		571-270-9832

<b>From :</b> James F. Ewing <b>Email Address :</b> jfewing@foley.com <b>Sender's Direct Dial :</b> 617.342.4088 <b>Date :</b> March 14, 2007 <b>Client/Matter No :</b> 350959-0004 <b>User ID No :</b> 8982
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### MESSAGE:

Attached please find the following documents with regard to Application Serial No. 10/552354:

- Reply Letter
- Return Copy of Notification of Missing Requirements
- Copy of executed Declaration as filed

Thank you for your attention.

James F. Ewing, Esq.  
Foley & Lardner LLP  
111 Huntington Avenue, Boston, MA 02199

If there are any problems with this transmission or if you have not received all of the pages, please call.

Operator:	Time Sent:	Return Original To:
		Kate Emerson

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Cover Page 1 of 1

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PAGE 1/14 \* RCVD AT 3/14/2007 3:58:05 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-2/17 \* DNIS:2709832 \* CSID:6173424001 \* DURATION (mm:ss):03:56

Atty. Dkt. No. 350959-0004

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Keith M. Rosiello et al.  
 Title: METHOD AND SYSTEM FOR WARMING A FLUID  
 Appl. No.: 10/552354  
 Filing Date: May 3, 2004  
 Examiner: Unknown  
 Art Unit: Unknown  
 Confirmation Number: 2403

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
Kate Emerson	
(Printed Name)	
<i>Kate Emerson</i>	
(Signature)	
March 14, 2007	
(Date of Deposit)	

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**LETTER**

Sir:

Applicants received the enclosed Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated January 31, 2007 from the United States Patent and Trademark Office in connection with the above-identified matter.

Applicants herewith believe that this notification was received in error. The notification states that "the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68."

Please find enclosed a copy of the executed declaration as filed as three (3) counterparts with the U.S. Patent and Trademark Office with the initial filing of the application on October 6,

Atty. Dkt. No. 350959-0004

2005. Applicants believe that this declaration does in fact satisfy the requirements set forth under 37 CFR 1.66 or 37 CFR 1.68.

Applicant hereby requests that this document be removed from the above-identified application and confirmation of the same be transmitted to the undersigned attorney.

If the Examiner believes that any fees are associated with this transmission, authorization is hereby given to charge Deposit Account No. 50-3431, Reference No. 350959-0004. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-3431, Reference No. 350959-0004.

Please contact the undersigned should you have any questions.

Respectfully submitted,

Date March 14, 2007

By \_\_\_\_\_



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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Attn: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/552,354	Keith M. Rosiello	350959-0004 THMX-001US
		INTERNATIONAL APPLICATION NO.
		PCT/US04/13714
		IA. FILING DATE PRIORITY DATE
		05/03/2004 05/01/2003

48329  
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CONFIRMATION NO. 2403  
 371 FORMALITIES LETTER

\*OC000000022216601\*

Date Mailed: 01/31/2007

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IBO to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/06/2005
- Copy of the International Search Report filed on 10/06/2005
- Copy of IPE Report filed on 10/06/2005
- Preliminary Amendments filed on 10/06/2005
- Information Disclosure Statements filed on 02/01/2006
- Oath or Declaration filed on 10/06/2005
- Request for Immediate Examination filed on 10/06/2005
- U.S. Basic National Fees filed on 10/06/2005
- Priority Documents filed on 10/06/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27. This surcharge must be submitted with the missing items identified in this letter.

Resp. to Missing Requirements  
 Docketed By: 34  
 FIRST DUE Date: 3/31/07  
 Final Due Date: 3/31/07

FEB 9 2007

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://spotal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

CHARITTA A BURT

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Telephone: (703) 308-9140 EXT 207

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/552,354	PCT/US04/13714	350959-0004 THMX-001US

FORM PCT/DO/EO/805 (371 Formalities Notice)